

**Introduced by Senator Florez**

February 22, 2005

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An act to add Chapter 2.8 (commencing with Section 9950) to Part 1 of Division 3 of the Unemployment Insurance Code, relating to unemployment insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 923, as introduced, Florez. Unemployment: transition assistance.

The Unemployment Insurance Code provides various benefits for persons unemployed through no fault of their own.

This bill would provide that if a program or project undertaken by a public entity, as defined, results in the displacement of any worker, the displaced worker, as defined, is entitled to transition assistance and transition assistance advisory services. This bill would impose specified requirements on displacing agencies, as defined, in providing that assistance and services. This bill would impose specified requirements on displacing agencies, as defined, in providing that assistance and services. This bill would make legislative findings and declarations regarding transition assistance.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Chapter 2.8 (commencing with Section 9950) is
- 2 added to Part 1 of Division 3 of the Unemployment Insurance
- 3 Code, to read:

## CHAPTER 2.8. TRANSITION ASSISTANCE ACT OF 2005

9950. This chapter shall be known and may be cited as the Transition Assistance Act of 2005.

9951. The Legislature finds and declares all of the following:

(a) The transition of public water from one beneficial use, especially irrigation use in an agriculturally dependent economy, to a beneficial use in another community forces the former to adjust to a less water-dependent economy.

(b) A shift in use of a public resource that causes a disproportionate impact to any of the citizens of this state should be mitigated in order to ensure environmental justice.

(c) A specific, clear, and continuous need for ensuring environmental justice is the need to provide transition assistance for dislocated workers from land fallowing as a result of any publicly funded or subsidized program, including land retirement, water transfers, and river restoration.

(d) It is the intent of the Legislature that by enacting this chapter the adverse impact of land fallowing will be minimized in order to maintain the economic and social well-being of communities.

(e) This chapter establishes a uniform policy for the fair and equitable treatment of workers displaced as a direct result of programs or projects undertaken by a public entity.

(f) The primary purpose of this chapter is to ensure that dislocated workers will not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on these workers.

9952. For purposes of this section:

(a) “Displaced worker” means any person who loses his or her employment as a direct result of a project undertaken by a public entity or by any person having an agreement with, or acting on behalf of, a public entity.

(b) “Public entity” means the same as defined in Section 7260 of the Government Code.

(c) “Displacing agency” means any public entity or person carrying out a program or project that causes a person to be a displaced worker.

1 9953. (a) Programs or projects undertaken by a public entity  
2 shall be planned in a manner that does both of the following:

3 (1) Recognizes, at an early stage in the planning of the  
4 programs or projects and before the commencement of any  
5 actions that will cause displacements, the problems associated  
6 with the displacement of workers.

7 (2) Provides for the resolution of these problems in order to  
8 minimize adverse impacts on displaced workers and to expedite  
9 program or project advancement and completion. The head of the  
10 displacing agency shall ensure the transition assistance advisory  
11 services described in Section 9954 are made available to all  
12 workers displaced by the public entity.

13 (b) The advisory service shall include those measures,  
14 facilities, or services that are necessary or appropriate to do all of  
15 the following:

16 (1) Determine and make timely recommendations on the needs  
17 and preferences, if any, of displaced workers for transition  
18 assistance.

19 (2) Maintain an assessment of impacts.

20 (c) The head of the displacing agency shall coordinate its  
21 transition assistance program with the project work necessitating  
22 the displacement and with other planned or proposed activities of  
23 other public entities in the community or nearby areas that may  
24 affect the implementation of its relocation assistance program.

25 9954. If a program or project to be undertaken by a public  
26 entity results in the displacement of any worker, the displaced  
27 worker shall be entitled to transition assistance and transition  
28 assistance advisory services, including:

29 (a) Actual foregone income in the lump-sum payment  
30 equivalent to a minimum of 5 percent of annual earnings for each  
31 year worked and shall not be less than one thousand dollars  
32 (\$1,000).

33 (1) The transition assistance payments shall not be deducted  
34 from employee or employer provided pension plans or wages.

35 (2) The transition assistance payments shall be paid within 30  
36 days from the date of dislocation.

37 (b) Medical insurance copayments for six months after date of  
38 displacement, if applicable.

39 (c) Job training.

40 (d) Assist in finding new jobs.

- 1 (e) Small business loans.
- 2 (f) Other forms of assistance.

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